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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VLADI ZAKINOV, *et al.*,

Plaintiffs,

V.

RIPPLE LABS, INC. *et al*

### Defendants.

Case No. 4:18-cv-06753-PJH

**JOINT STIPULATION TO CONTINUE  
NOTICED HEARING DATE AND  
RESPONSE TO MOTIONS TO DISMISS;  
[PROPOSED] ORDER**

1           TO THE HONORABLE COURT AND ALL PARTIES AND THEIR ATTORNEYS OF  
2 RECORD:

3           Plaintiffs TYLER TOOMEY and MARKAS SERGALIS (“Plaintiffs”) and Defendants  
4 FORIS, INC. (“Foris”), FORIS DAX, INC. (“Foris Dax”), together with Foris, the (“Foris  
5 Defendants”), MCO MALTA DAX LIMITED (“MCO”), collectively with the Foris Defendants and  
6 the Plaintiffs, the (“Parties”) hereby submit the following Joint Stipulation amending the briefing  
7 schedule, and requesting a new hearing date for the Foris Defendants Motion(s) to Dismiss, Dkt.  
8 Nos. [81] and [82]:

9           WHEREAS, no trial date has been set;

10          WHEREAS, the Parties had previously filed a Stipulation with the Court on September 3,  
11 2021, Dkt. No. [73] agreeing to grant the Foris Defendants an extension to September 14, 2021 to  
12 respond to the Complaint;

13          WHEREAS, on September 9, 2021, the Court issued an ORDER REASSIGNING CASE to  
14 the Hon. Judge William H. Orrick for all further proceedings;

15          WHEREAS, the Foris Defendants filed their Motion(s) to Dismiss, Dkt. Nos. [81] and [82] on  
16 September 14, 2021, yet inadvertently selected a hearing date which fails to fully accommodate the  
17 terms of the prior stipulation filed with the Court on September 3, 2021;

18          WHEREAS, the parties stipulated on September 15, 2021, to change the noticed hearing dates  
19 on the Foris Defendants Motion(s) to Dismiss, Dkt. Nos. [81] and [82] to December 1, 2021 at 2:00  
20 p.m., to accommodate the briefing schedule;

21          WHEREAS, the parties stipulated on September 15, 2021, that Plaintiffs will have forty-five  
22 (45) days, up to and including October 29, 2021, to respond to the motion(s) to dismiss;

23          WHEREAS, the parties stipulated on September 15, 2021, that the Foris Defendants will have  
24 twenty-one (21) days to file replies in further support of the motion(s) to dismiss;

25          WHEREAS, on September 20, 2021 the Court issued an Order relating the *Toomey* action to  
26 the present matter (ECF No. 149) wherein the Court stated that “[u]nless otherwise ordered, any dates  
27 for hearing noticed motions are vacated and must be re-noticed by the moving party before the newly  
28 assigned judge.”;

1           WHEREAS, no motions were re-noticed following entry of the related case order;

2           WHEREAS, the Court additionally entered an Order Consolidating Cases on September 20,  
3 2021 in the *Toomey* action, stating that “to the extent that the newly-consolidated action involves legal  
4 issues arising only under Florida state law, or involves legal issues relating to defendants that are not  
5 named in *In re Ripple*, those issues will not be addressed until the court has resolved the legal issues  
6 raised by the earlier-filed action.” (ECF No. 85);

7           WHEREAS, the Foris Defendants filed a motion for clarification (ECF No. 150) of the Court’s  
8 consolidation Order, one of the subjects of clarification being the ambiguity surrounding the motion  
9 to dismiss briefing;

10          WHEREAS, the Foris Defendants wish to re-notice the motion for January 13, 2022;

11          WHEREAS, in light of the Order relating the cases and formally consolidating cases, the  
12 parties, with the Court’s permission, seek to set a schedule to complete the motion to dismiss briefing  
13 related to the motions filed by the Foris Defendants, and have stipulated for Plaintiffs to respond to  
14 the Foris Defendants’ motions to dismiss by and including November 15, 2021; and

15          WHEREAS, the parties have further stipulated that the Foris Defendants will have twenty-one  
16 (21) days to file replies in further support of the motions to dismiss;

17          WHEREAS, MCO Malta Dax Limited has been served and has a current deadline to respond  
18 to the Second Amended Complaint of October 27, 2021;

19          WHEREAS, the parties have agreed that MCO Malta Dax Limited’s deadline to respond to  
20 the Second Amended Complaint shall be November 24, 2021;

21          WHEREAS, the parties agree that if MCO Malta Dax Limited should file a motion to dismiss  
22 in response to the Second Amended Complaint, Plaintiff shall have thirty (30) days to file an  
23 opposition to the same;

24          WHEREAS, MCO Malta Dax Limited shall have twenty-one (21) days to file a reply;

25          NOW, THEREFORE, the Parties stipulate and respectfully jointly request that the Court order  
26 the following:

27          1.       Plaintiffs will have until and including November 15, 2021, to respond to the Foris  
28 Defendants’ motions to dismiss;

1           2. The Foris Defendants will have until and including December 6, 2021 to file replies in  
2 further support of the motions to dismiss;

3           3. MCO will have until and including November 24, 2021, to respond to the Second  
4 Amended Complaint;

5           4. Should MCO file a motion to dismiss, Plaintiffs will have thirty (30) days to file an  
6 opposition to the motion to dismiss, up to and including December 23, 2021;

7           5. Should MCO file a motion to dismiss, Plaintiffs will have twenty-one (21) days to file  
8 a reply in support of the motion to dismiss, up to and including January 13, 2022.

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10 **IT IS SO STIPULATED.**

11 Dated: October 26, 2021

13           \_\_\_\_\_  
14           /s/ *Matthew G. Ball*  
15           MATTHEW G. BALL  
16           K&L GATES, LLP  
17           Attorneys for the Foris Defendants and MCO

18 Dated: October 26, 2021

19           \_\_\_\_\_  
20           /s/ *Sarah N. Wescot*  
21           SARAH N. WESTCOT  
22           BURSOR & FISHER, P.A.  
23           Attorney for Plaintiffs  
24           TYLER TOOMEY and MARKAS SERGALIS

1                   **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2                   I, Matthew G. Ball, attest that concurrence in e-filing this JOINT STIPULATION TO  
3 CONTINUE NOTICED HEARING DATE AND RESPONSE TO MOTIONS TO DISMISS;  
4 [PROPOSED] ORDER has been obtained from signatory Sarah N. Wescot, which shall serve in lieu  
5 of her signature on this document, in compliance with General Order 45, X.B.

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## **ORDER**

FOR GOOD CAUSE SHOWN, and based on the stipulation of the Parties, it is hereby  
ORDERED that:

The noticed hearing dates on the Foris Defendants Motion(s) to Dismiss, Dkt. Nos. [81] and [82] are hereby changed to January 13, 2022 at 2:00 p.m.

Plaintiffs will have until and including November 15, 2021, to respond to the Foris Defendants' motions to dismiss;

The Foris Defendants will have until and including December 6, 2021 to file replies in further support of the motions to dismiss;

MCO will have until and including November 24, 2021, to respond to the Second Amended Complaint;

Should MCO file a motion to dismiss, Plaintiffs will have thirty (30) days to file an opposition to the motion to dismiss, up to and including December 23, 2021.

Dated: \_\_\_\_\_, 2021

**THE HONORABLE PHYLLIS J.  
HAMILTON**